

1
2
3
4
5
6
7
8 **United States District Court**
9 **Central District of California**
10 **Western Division**
11

12 MARQUISE BAILEY,

13 Plaintiff,

14 v.

15 O Connors Lakewood LLC, *et al.*,

16 Defendants.
17

CV 23-08981 TJH

Order to Show Cause

18 The Complaint filed in this case alleged a claim for injunctive relief for an
19 alleged violation of the Americans with Disabilities Act, 42 U.S.C. §§ 12010-12213
20 ["ADA"], and a claim for damages pursuant to California's Unruh Civil Rights Act,
21 Cal. Civ. Code §§ 51-53 ["Unruh Act"]. It appears that the Court possesses only
22 supplemental jurisdiction over the Unruh Act claim and any other state law claim that
23 Plaintiff may have alleged, if any. *See* 28 U.S.C. § 1367(a).

24 Section 1367 "reflects the understanding that, when deciding whether to exercise
25 supplemental jurisdiction, 'a federal court should consider and weigh in each case, and
26 at every stage of the litigation, the values of judicial economy, convenience, fairness,
27 and comity.'" *City of Chicago v. Int'l Coll. of Surgeons*, 522 U.S. 156, 173 (1997)
28 (emphasis added) (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350

1 (1988)).

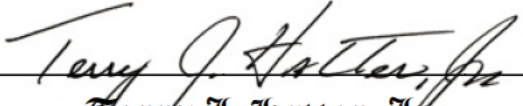
2 Therefore, Plaintiff shall show cause, in writing, by **February 5, 2024**, as to why
3 the Court should exercise supplemental jurisdiction over the Unruh Act claim and any
4 other state law claims Plaintiff may have alleged, if any. *See* 28 U.S.C. § 1367(c).

5 In responding to this Order to Show Cause, Plaintiff shall identify the amount of
6 statutory damages Plaintiff seeks to recover. Plaintiff and Plaintiff's counsel shall,
7 also, support their responses to this Order to Show Cause with declarations, signed
8 under penalty of perjury, providing all facts necessary for the Court to determine if
9 they satisfy the definition of a "high-frequency litigant," as provided by California Civil
10 Procedure Code §§ 425.55(b)(1) & (2).

11 Failure to timely or adequately respond to this Order to Show Cause may,
12 without further warning, result in the dismissal, without prejudice, of this entire case,
13 or the Court declining to exercise supplemental jurisdiction over the Unruh Act and the
14 other state law claims, if any, and the dismissal of the state law claims pursuant to 28
15 U.S.C. § 1367(c).

16
17 IT IS SO ORDERED.

18
19 Date: January 3, 2024

20 
21 Terry J. Hatter, Jr.
22 Senior United States District Judge
23
24
25
26
27
28